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Attorneys for Debtor-in-Possession

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re:

Roman Catholic Bishop of Great Falls, Montana,
a Montana Religious Corporate Sole
(Diocese of Great Falls),

Debtor-in-Possession.

Case No. 17-60271

Chapter 11

**DECLARATION OF MICHAEL R. HOGAN
IN SUPPORT OF MOTION FOR UNKNOWN CLAIMS REPRESENTATIVE**

I, MICHAEL R. HOGAN, hereby declare and state as follows:

1. I am over the age of eighteen and competent to testify to the statements herein.
2. I am duly authorized to make all statements that I have made herein with respect to the Unknown Claims Representative appointment.

QUALIFICATIONS

3. I served as United States District Court Judge for the District of Oregon from 1991 through 2012, including serving as a Senior United States District Court Judge from 2011 through 2012. Prior to that, I served as a United States Magistrate Judge and also as United States Bankruptcy Judge.

4. Currently, I am serving as the principal of Hogan Mediation in providing mediation and other dispute resolution services since my retirement in October 2012. My private mediation services are set out in detail on the website at <http://hoganmediation.net/>.

5. I am currently serving as the unknown claims representative in the bankruptcy case *In re: The Archdiocese of Saint Paul and Minneapolis*, Case No. 15-30125 in the United States Bankruptcy Court for the District of Minnesota and I previously served as the future claims representative in the bankruptcy case *In re: Roman Catholic Church of the Diocese of Gallup*, Case No. 13-13676-t11 in the United States Bankruptcy Court for the District of New Mexico, as future claims representative in the bankruptcy case *In re: Roman Catholic Bishop of Helena, Montana*, Case No. 14-60074 in the United States Bankruptcy Court for the District of Montana, and as the future claims adjudicator in the bankruptcy case *In re: The Catholic Bishop of Spokane, aka The Catholic Diocese of Spokane*, Case No. 04-08822-FPC11 in the United States Bankruptcy Court for the Eastern District of Washington. Prior to service as adjudicator, I mediated several dozen future claim matters that were pending against the Diocese of Spokane. Also, I was involved in resolving many of the tort claims pending in *In re: Roman Catholic Archbishop of Portland in Oregon*, Case No. 04-37154-ELP11 in the United States Bankruptcy Court for the District of Oregon.

6. I have mediated hundreds of abuse claims involving religious and secular entities where childhood sexual abuse has been alleged. I am also familiar with the unknown claims process, and the necessity and reasoning for having an unknown claims representative. I understand the importance of properly evaluating the scope of Unknown Tort Claims in this matter, as well as seeking and negotiating an appropriate resolution in any plan that may

ultimately be confirmed. Further, I recognize the importance that any such plan must have a fair process for funding an ultimate resolution of any valid Unknown Tort Claims.

SERVICES TO BE RENDERED

7. My duties and responsibilities as the Unknown Claims Representative will include the duties of the Unknown Claims Representative as set forth in the motion.

8. I understand that in the unlikely event any minor Tort Claimants may become known, I would serve in a guardian *ad litem* capacity with respect to such claimants. I do not foresee any conflict between my duties and responsibilities as guardian *ad litem* and my duties and responsibilities as Unknown Claims Representative.

DISINTERESTEDNESS

9. To the best of my knowledge, I am a disinterested person with regard to these pending reorganization cases, and I do not have any connection or relationship of any kind to the debtors; to the Tort Claimants; or to any of the other creditors, insurers, or any of the other parties in these reorganization cases.

10. I have not worked with the debtors pre-petition and am not owed any funds. I am not holding any retainer.

11. Except as set forth below, I am not aware of any connections with counsel in these reorganization cases.

12. Elsaesser Anderson, Chtd., proposed reorganization counsel for the debtors, was also counsel for the debtors while I was the Unknown Claims Representative in the bankruptcy cases *In re Roman Catholic Bishop of Helena, Montana*, Case No. 14-60074 and currently in *In re Diocese of Duluth*, Case No. 15-50792.

13. Ford Elsaesser appeared before me in my capacity in the U. S. District Court in the bankruptcy and receivership cases entitled *In re: Stayton SW Assisted Living, L.L.C.*, U. S. District Court for District of Oregon, Case 09-cv-6082-HO and the related case *Securities and Exchange Commission v. Sunwest Management, Inc., et al*, U. S. District Court for District of Oregon, Case 09-CV-06056-HO, such cases more generally known as the "Sunwest" cases.

14. Ford Elsaesser has served with me as a joint mediator or co-mediator in the following matters:

a) *Equal Employment Opportunity Commission, plaintiff, and Elodia Sanchez, et al, plaintiffs-intervenors, v. Evans Fruit Co., Inc., defendant, and Juan Marin and Angelita Marin, defendant-intervenors*, U. S. District Court for Eastern District of Washington, at Yakima, Case CV-10-3033-LRS;

b) *Estate of Otto Zehm v. City of Spokane*, U. S. District Court for Eastern District of Washington, Case 09-CV-080-LRS;

c) *In re: Kartar Singh Khalsa and EWTC Management, LLC, fka Golden Temple Management, LLC*, U. S. Bankruptcy Court for District of Oregon, Jointly Administered Cases 12-60538-FRA11 and 12-60536-FRA11; and the Multnomah County Circuit Court, Oregon, Case 1010-14518, *State of Oregon v. Karam S. Khalsa, Ajeet S. Khalsa, Gurudhan S. Khalsa, and Guru Hari S. Khalsa*; and the related Multnomah County Circuit Court, Oregon, Case 0909-13281; and

d) Two personnel disputes involving the City of Spokane, Washington.

15. Ford Elsaesser also assisted me in my role as mediator in the case of *In re: AmericanWest Bancorporation*, U. S. Bankruptcy Court for Eastern District of Washington, Case 10-06097-PCW.

16. Ford Elsaesser represented the Diocese of Spokane in five mediations involving future claims, in conjunction with several other future claims mediations in the *Spokane Diocese* case.

17. All of the mediation services referred to with regard to the above matters have concluded. I do not have any pending mediation matters with the Debtor-in-Possession's counsel at this time.

18. With regard to counsel for the tort claimants in this matter, I have previously mediated approximately 30 future claims in the *Spokane Diocese* case, referred to hereinabove, for clients of Kosnoff Fasy, PLLC and Tamaki Law Offices, two of the law firms representing claimants in this case. I have pending future claims before me as adjudicator in the *Spokane Diocese* case, which involve Kosnoff Fasy, PLLC; Tamaki Law Offices; James Vernon & Weeks, P.A.; and Joseph Blumel, attorney at law.

19. When I was sitting as a Judge and also in connection with mediations I have conducted both while I was sitting and in connection with my current mediation practice, I may have mediated or had dealings with some of the attorneys involved in the reorganization cases. I realize the duty to disclose such connection in the context of my service as Unknown Claims Representative, if appointed, is a continual one.

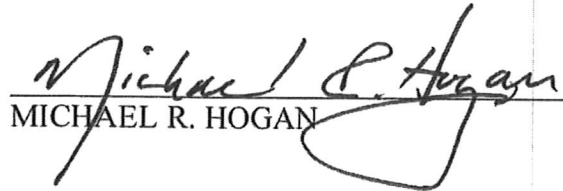
PROFESSIONAL COMPENSATION

20. I recognize that if appointed, I will need to comply with the applicable provisions of the Bankruptcy Code, Bankruptcy Rules, and Local Rules for the District of Minnesota, with regard to seeking compensation.

21. I request compensation, subject to Court approval, for services rendered in connection with the reorganization cases, at the hourly rate of \$450.00 per hour, capped at a total fee of \$50,000.00, plus expenses.

23. I understand that if appointed as Unknown Claims Representative, I will be an independent fiduciary acting on behalf of the Unknown Tort Claimants, as that term is defined in the motion, and I will be acting solely on behalf of the Unknown Tort Claimants.

SO DECLARED this 7th day of May, 2018.


MICHAEL R. HOGAN

CERTIFICATE OF SERVICE

I, Bruce A. Anderson, declare as follows:

I am employed by Elsaesser Anderson, Chtd., Coeur d'Alene, Idaho; I am over the age of eighteen years and not a party to this action; the firm's business address is 320 East Neider Avenue, Suite 102, Coeur d'Alene, Idaho 83815.

I certify that on May 8, 2018, I served the foregoing on all ECF participants as indicated on the Court's ECF system.

Additionally, by regular first class mail, I mailed a copy to the parties on the attached MML*, and to confidential claimant C.E.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: May 8, 2018

/s/ Bruce A. Anderson

Bruce A. Anderson

* The attached list will not be mailed out to creditors, but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

Label Matrix for local noticing
0977-2
Case 17-60271-JDP
U.S. Bankruptcy Court, District of Montana
Butte
Tue May 8 09:52:02 MDT 2018
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10100 Santa Monica Blvd.
#1300
Los Angeles, CA 90067-4114

Montana State Fund
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Helena, MT 59604-4759

Oblates Fathers Western Province, Inc.
391 Michigan Ave. N.E.
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34 Abuse Claimants 'Doe Group'
Bryan Smith and Vito de la Cruz
Tamaki Law Offices
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38 Abuse Claimants 'Becker Group'
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Saco, MT 59261

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Roundup, MT 59072-2425

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c/o St. Matthew, Rev. O'Neil
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Billings, MT 59105-3799

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317 7th St W
Fairview, MT 59221

St. Charles Borromeo Mission
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St. Dennis Parish
76 Highway 1
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Colstrip, MT 59323-9685

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400 Johannes
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301 CENTRAL AVENUE STE 204
GREAT FALLS, MT 59401-3113

BONNIE SHUSTER
US DEPT OF JUSTICE *ccf*
OFFICE OF THE US TRUSTEE
720 EAST PARK BLVD, SUITE 220
BOISE, ID 83712-7785

BRUCE A ANDERSON
ELSAESSER JARZABEK ANDERSON ELLIOT & MAC
320 E NEIDER AVE STE 102
COEUR D'ALENE, ID 83815-6007

BRUCE ALAN ANDERSON
ELSAESSER ANDERSON, Chtd.
320 East Neider Avenue
Suite 102
COEUR D'ALENE, ID 83815-6007

Drew Blewett *ccf*
Hoyt & Blewett PLLC
PO Box 2807
Great Falls, MT 59403-2807

FORD ELSAESSER
PO BOX 2220
SANDPOINT, ID 83864-0909

FORD ELSAESSER
ELSAESSER ANDERSON, CHTD.
PO BOX 1049
414 Church Street, Suite 201
SANDPOINT, ID 83864-0070

GREGORY J HATLEY
DAVIS HATLEY HAFFEMAN & TIGHE PC
101 RIVER DRIVE NORTH
GREAT FALLS, MT 59401-2599

Gary Dyer W.
U.S. Department of Justice
Office of the United States Trustee
920 W. Riverside Ave,
Suite 593
Spokane, WA 99201-1012

JOSEPH PONESSA
710 NORTH CUSTER AVE
HARDIN, MT 59034-1527

MAXON R. DAVIS
DAVIS, HATLEY, HAFFEMAN & TIGHE, P.C.
101 RIVER DRIVE NORTH
GREAT FALLS, MT 59401-2599

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Holy Family
530 Main St
Winifred, MT 59489

Addresses marked (c) above for the following entity/entities were corrected
as required by the USPS Locatable Address Conversion System (LACS).

Holy Family
102 1st Ave N
Glentana, MT 59240

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Abuse Survivors

(u)BERKLEY RESEARCH GROUP

(u)BILLINGS CATHOLIC SCHOOLS

(u)Catholic Mutual Relief Society

(u)Corpus Christi (Great Falls)

(u)HEAD START, INC.

(u)Holy Family Parish Great Falls, Montana

(u)Holy Spirit (Great Falls)

(u)Mary Queen of Peace, Billings, Montana